

REMARKS

In response to the non-final Office Action mailed November 10, 2003, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

In the Office Action, claims 1-25 were rejected. More specifically,

- Claims 1, 3, 8-9, 14 and 18 were rejected under 35 U.S.C. § 102(e) as being anticipated U.S. Patent 6,505,046 (Baker);
- Claims 2, 10-11, 15 and 19-20 were rejected under 35 U.S.C. § 103(a) as being obvious over Baker;
- Claims 4-5, 7 and 16-17 were rejected under 35 U.S.C. § 103(a) as being obvious over Baker in view of U.S. Patent 6,546,257 (Stewart);
- Claim 6 was rejected under 35 U.S.C. § 103(a) as being obvious over Baker and Stewart in view of U.S. Patent 5,560,461 (Fomukong); and
- Claims 12-13 and 21 were rejected under 35 U.S.C. § 103(a) as being obvious over Baker and Fomukong.

For the reasons set forth hereinbelow, Applicants respectfully request that the rejections associated with the pending claims be withdrawn.

§ 102(e) Rejections

Claims 1, 3 and 8-9

Applicants respectfully submit that claim 1 is not anticipated by Baker because Baker fails to disclose each and every element of claim 1. See MPEP § 2131 (stating that a claim is anticipated only

if each and every element as set forth in the claim is disclosed in a single prior art reference). More specifically, Applicants submit that Baker fails to disclose, among other things, “transferring the identity information for the user to a third party without disclosing the location information for the user to the third party” as recited in claim 1.

Applicants submit that Baker discloses a wireless service node (i.e., the third party) for delivering messages to wireless subscribers based on the location of the wireless subscribers. Applicants also submit that Baker discloses, at column 8, lines 26-29 thereof, that the wireless service node rejects the message (i.e., the message is not delivered to the wireless subscriber) if the location is not valid. Thus, in contrast to the invention recited in claim 1, Applicants submit that Baker inherently discloses that the location information for the wireless subscriber is disclosed to the third party.

Applicants further note that there are numerous ways known in the art to determine the location of a user operating a wireless communication device and that determining the location using location area identification is only one of such ways. Thus, even though Baker discloses, at column 8, lines 11-21 thereof, that the location area identification is an optional parameter of the origination request from the MSC/HLR component to the wireless services node and that the location area identification may not be supported on all MSC/HLR components, Applicants submit that Baker, at column 8, lines 11-21 merely discloses that using location area identification need not be one of the ways to determine the location of the user.

Accordingly, Applicants submit that claim 1 is not anticipated by Baker and respectfully request that the § 102(e) rejections associated with claim 1, and claims 3 and 8-9 which depend therefrom, be withdrawn.

Claims 14 and 18

Applicants respectfully submit that claim 14 is not anticipated by Baker because Baker fails to disclose each and every element of claim 14. *See* MPEP § 2131 *id.* More specifically, Applicants submit that Baker fails to disclose, among other things, “transferring the identity information for the user to a subscriber desirous of sending an advertisement to the wireless communication device, wherein the transmission of the identity information **excludes** disclosure of the location of the user” as recited in claim 14.

For reasons similar to those set forth hereinabove, Applicants submit that Baker inherently discloses that the location of the user is disclosed to the subscriber desirous of sending an advertisement. Accordingly, Applicants submit that claim 14 is not anticipated by Baker and respectfully request that the § 102(e) rejections associated with claim 14, and claim 18 which depends therefrom, be withdrawn.

§ 103(a) Rejections

Claims 2 and 10-11

Claims 2 and 10-11 depend from claim 1. Applicants submit that independent claim 1 is nonobvious over Baker because Baker fails to teach or suggest each and every element of claim 1. *See* MPEP § 2143 (stating that one of the elements of a *prima facie* case of obviousness under § 103(a) is that the cited references must teach or suggest every limitation of the claimed invention). More specifically, Applicants submit that Baker fails to teach or suggest, among other things, “transferring the identity information for the user to a third party without disclosing the location information for the user to the third party” as recited in claim 1.

As explained previously, Baker fails to teach or suggest this feature. Thus, Applicants submit

that claim 1 is nonobvious over Baker. Applicants further submit that claims 2 and 10-11, which depend from independent claim 1, are also nonobvious over Baker. *See* MPEP §2143.03 (stating that if an independent claim is nonobvious under §103(a), then any claim depending therefrom is nonobvious). Accordingly, Applicants respectfully request that the §103 (a) rejections associated with claims 2 and 10-11 be withdrawn.

Claims 15 and 19-20

Claims 15 and 19-20 depend from claim 14. Applicants submit that independent claim 14 is nonobvious over Baker because Baker fails to teach or suggest each and every element of claim 14. *See* MPEP § 2143 *id.* More specifically, Applicants submit that Baker fails to teach or suggest, among other things, “transferring the identity information for the user to a subscriber desirous of sending an advertisement to the wireless communication device, wherein the transmission of the identity information **excludes** disclosure of the location of the user” as recited in claim 14.

As explained previously, Baker fails to teach or suggest this feature. Thus, Applicants submit that claim 14 is nonobvious over Baker. Applicants further submit that claims 15 and 19-20, which depend from independent claim 14, are also nonobvious over Baker. *See* MPEP §2143.03 *id.* Accordingly, Applicants respectfully request that the §103 (a) rejections associated with claims 15 and 19-20 be withdrawn.

Claims 4-5 and 7

Claims 4-5 and 7 depend from claim 1. Applicants submit that independent claim 1 is nonobvious over the combination of Baker and Stewart because the cited references, either alone or in combination, fail to teach or suggest each and every element of claim 1. *See* MPEP § 2143 *id.*

More specifically, Applicants submit that the combination of Baker and Stewart, either alone or in combination, fails to teach or suggest, among other things, “transferring the identity information for the user to a third party without disclosing the location information for the user to the third party” as recited in claim 1.

As explained previously, Baker fails to teach or suggest this feature. Applicants also submit that Stewart fails to teach or suggest this feature. Indeed, the Office Action does not even rely on Stewart as teaching or suggesting this feature. Rather, the Office Action cites Stewart as teaching providing promotional material based on repeated travel patterns and that obtaining the identity information for the user includes storing the information about the identity of the user. Even if taken as true, Applicants submit that Stewart fails to remedy the defects of Baker with respect to claim 1.

Therefore, Applicants submit that claim 1 is nonobvious over the combination of Baker and Stewart. *See* MPEP § 2143 *id.* Applicants further submit that claims 4-5 and 7, which depend from claim 1, are also nonobvious over the combination of Baker and Stewart. *See* MPEP § 2143.03 *id.* Accordingly, Applicants respectfully request that the § 103(a) rejections associated with claims 4-5 and 7 be withdrawn.

Claims 16 and 17

Claims 16 and 17 depend from claim 14. Applicants submit that independent claim 14 is nonobvious over the combination of Baker and Stewart because the cited references, either alone or in combination, fail to teach or suggest each and every element of claim 14. *See* MPEP § 2143 *id.* More specifically, Applicants submit that the combination of Baker and Stewart, either alone or in combination, fails to teach or suggest, among other things, “transferring the identity information for the user to a subscriber desirous of sending an advertisement to the wireless communication device,

wherein the transmission of the identity information **excludes** disclosure of the location of the user” as recited in claim 14.

As explained previously, Baker fails to teach or suggest this feature. Applicants also submit that Stewart fails to teach or suggest this feature. Indeed, the Office Action does not even rely on Stewart as teaching or suggesting this feature. Rather, the Office Action cites Stewart as teaching providing promotional material based on repeated travel patterns and that obtaining the identity information for the user includes storing the information about the identity of the user. Even if taken as true, Applicants submit that Stewart fails to remedy the defects of Baker with respect to claim 14.

Therefore, Applicants submit that claim 14 is nonobvious over the combination of Baker and Stewart. *See* MPEP § 2143 *id.* Applicants further submit that claims 16 and 17, which depend from claim 14, are also nonobvious over the combination of Baker and Stewart. *See* MPEP § 2143.03 *id.* Accordingly, Applicants respectfully request that the § 103(a) rejections associated with claims 16 and 17 be withdrawn.

Claim 6

Claim 6 depends from claim 1. Applicants submit that independent claim 1 is nonobvious over the combination of Baker, Stewart and Fomukong because the cited references, either alone or in combination, fail to teach or suggest each and every element of claim 1. *See* MPEP § 2143 *id.* More specifically, Applicants submit that the combination of Baker, Stewart and Fomukong, either alone or in combination, fails to teach or suggest, among other things, “transferring the identity information for the user to a third party without disclosing the location information for the user to the third party” as recited in claim 1.

As explained previously, Baker and Stewart fail to teach or suggest this feature. Applicants

also submit that Fomukong fails to teach or suggest this feature. Indeed, the Office Action does not even rely on Fomukong as teaching or suggesting this feature. Rather, the Office Action cites Fomukong as teaching authorized location reporting in a paging system and that requesting the user to provide information about the identity of the user is performed when the user signs up for the location-blocking service. Even if taken as true, Applicants submit that Fomukong fails to remedy the defects of Baker and Stewart with respect to claim 1.

Therefore, Applicants submit that claim 1 is nonobvious over the combination of Baker, Stewart and Fomukong. *See* MPEP § 2143 *id.* Applicants further submit that claim 6, which depends from claim 1, is also nonobvious over the combination of Baker, Stewart and Fomukong. *See* MPEP § 2143.03 *id.* Accordingly, Applicants respectfully request that the § 103(a) rejection associated with claim 6 be withdrawn.

Claims 12 and 13

Claims 12 and 13 depend from claim 1. Applicants submit that independent claim 1 is nonobvious over the combination of Baker and Fomukong because the cited references, either alone or in combination, fail to teach or suggest each and every element of claim 1. *See* MPEP § 2143 *id.* More specifically, Applicants submit that the combination of Baker and Fomukong, either alone or in combination, fails to teach or suggest, among other things, “transferring the identity information for the user to a third party without disclosing the location information for the user to the third party” as recited in claim 1.

As explained previously, Baker fails to teach or suggest this feature. Applicants also submit that Fomukong fails to teach or suggest this feature. Indeed, the Office Action does not even rely on Fomukong as teaching or suggesting this feature. Rather, the Office Action cites Fomukong as

teaching a system which allows a user to block or unblock disclosing location information to third parties. Even if taken as true, Applicants submit that Fomukong fails to remedy the defects of Baker with respect to claim 1.

Therefore, Applicants submit that claim 1 is nonobvious over the combination of Baker and Fomukong. *See* MPEP § 2143 *id.* Applicants further submit that claims 12 and 13, which depend from claim 1, are also nonobvious over the combination of Baker and Fomukong. *See* MPEP § 2143.03 *id.* Accordingly, Applicants respectfully request that the § 103(a) rejections associated with claims 12 and 13 be withdrawn.

Claim 21

Claim 21 depends from claim 14. Applicants submit that independent claim 14 is nonobvious over the combination of Baker and Fomukong because the cited references, either alone or in combination, fail to teach or suggest each and every element of claim 14. *See* MPEP § 2143 *id.* More specifically, Applicants submit that the combination of Baker and Fomukong, either alone or in combination, fails to teach or suggest, among other things, “transferring the identity information for the user to a subscriber desirous of sending an advertisement to the wireless communication device, wherein the transmission of the identity information **excludes** disclosure of the location of the user” as recited in claim 14.

As explained previously, Baker fails to teach or suggest this feature. Applicants also submit that Fomukong fails to teach or suggest this feature. Indeed, the Office Action does not even rely on Fomukong as teaching or suggesting this feature. Rather, the Office Action cites Fomukong as teaching a system which allows a user to block or unblock disclosing location information to third parties. Even if taken as true, Applicants submit that Fomukong fails to remedy the defects of Baker

with respect to claim 14.

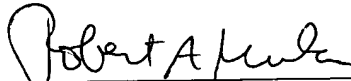
Therefore, Applicants submit that claim 14 is nonobvious over the combination of Baker and Fomukong. *See* MPEP § 2143 *id.* Applicants further submit that claim 21, which depends from claim 14, is also nonobvious over the combination of Baker and Fomukong. *See* MPEP § 2143.03 *id.* Accordingly, Applicants respectfully request that the § 103(a) rejection associated with claim 21 be withdrawn.

CONCLUSION

Applicants respectfully request a Notice Of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,

Date: February 6, 2004


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